

ORDINANCE NO.

PROTECTING LAW ENFORCEMENT, CONSTITUTIONAL RIGHTS, AND LOCAL CONTROL ORDINANCE

HERNANDO COUNTY, FLORIDA

SECTION 1. TITLE.

This Ordinance shall be known as the “Protecting Law Enforcement, Constitutional Rights, and Local Control Ordinance.”

SECTION 2. PURPOSE.

The purpose of this Ordinance is to ensure that any future installation or operation of automated license plate readers (ALPRs) - including Flock-type cameras - on Hernando County property or rights-of-way is subject to approval by the Board of County Commissioners (BOCC). This Ordinance also requires review of all currently installed systems to safeguard citizens’ constitutional protections, property rights, local sovereignty, and freedom from unwarranted surveillance by government or outside agencies.

SECTION 3. LEGISLATIVE FINDINGS.

The BOCC makes the following findings:

1. **Fourth Amendment Protections Must Be Respected.**
Hernando County supports giving law enforcement the tools necessary to fight crime. However, American citizens have the right to be free from unreasonable government surveillance. Mass collection of location data on law-abiding drivers raises legitimate Fourth Amendment concerns and demands clear local oversight.
2. **Local Control Over Surveillance Technology Is Essential.**
The people of Hernando County - not out-of-state corporations or unaccountable bureaucratic agencies - should determine when, where, and why surveillance equipment is deployed in our community.
3. **Outside Data Sharing May Invite Federal Overreach.**
ALPR systems often link into nationwide networks, allowing outside agencies - sometimes even federal entities - to track movements within Hernando County without our approval. Hernando County supports the right of local government to regulate such access to protect Florida values and prevent unauthorized intrusion.
4. **Government Must Avoid Creating a “Big Tech Tracking Grid.”**
Surveillance corporations store and analyze vast amounts of location data. Without oversight, this can unintentionally create a long-term tracking database on ordinary citizens, something fundamentally at odds with conservative values of limited government and personal liberty.
5. **Fiscal Responsibility Requires BOCC Oversight.**
Surveillance systems frequently operate through subscription fees and long-term service

contracts. The BOCC is responsible for ensuring taxpayer funds are spent wisely and only on programs that align with community priorities.

6. Existing Installations Require Review.

A full inventory and evaluation of all ALPR and similar cameras is necessary to ensure they comply with county policy, constitutional protections, and the expectations of Hernando County residents.

7. Surveillance Without Elected Approval Is Not Conservative Governance.

Conservative principles demand:

- limited government
- accountability to voters
- separation of powers
- resistance to centralized authority

Allowing permanent surveillance systems to be installed on county property without direct BOCC approval contradicts these principles and mirrors the type of governance conservatives routinely oppose at the federal level.

8. Transparency Protects Law Enforcement.

Clear rules protect deputies, supervisors, and the Sheriff from:

- claims of overreach
- shifting vendor policies
- retroactive criticism
- legal uncertainty

This Ordinance creates certainty, not restriction.

SECTION 4. DEFINITIONS.

1. “ALPR System” means any automated camera or system used to capture, record, or analyze vehicle license plate information or vehicle movement.
2. “Surveillance Technology” means any fixed or networked monitoring device capable of recording, storing, or transmitting information about persons or vehicles.
3. “Installation” means placement on county-owned property, rights-of-way, utility easements, or any publicly controlled infrastructure.
4. “Operator” includes the Hernando County Sheriff’s Office (HCSO), county departments, or any external entity.

Exclusions. For the purposes of this Ordinance, "Surveillance Technology" does not include:

- Standard handheld devices used for electronic ticketing.
- Security cameras installed exclusively for the protection of the interior of county buildings.
- Body-worn cameras or in-car video systems used by law enforcement, which are governed by separate Florida Statutes

SECTION 5. BOCC APPROVAL REQUIRED FOR FUTURE INSTALLATIONS.

A. No ALPR system or surveillance technology may be installed on any county-owned property or right-of-way without prior BOCC approval. This requirement applies regardless of whether the installation is requested through an easement, permit, agreement, or administrative process.

B. Any request for approval must include:

1. Proposed camera location
2. Description of technology, vendor, and capabilities
3. Purpose of installation
4. Data storage, retention, and deletion policies
5. Any agencies with access to data
6. Contracting or subscription costs
7. A statement confirming compliance with constitutional protections

C. The BOCC may approve, deny, or place conditions on any proposed installation based on local values, constitutional considerations, and fiscal impacts.

D. Standard Privacy and Sharing Limitations. All approved ALPR systems must adhere to the following minimum standards:

- Data Retention: Captured data that does not result in a "hit" against an authorized hot list shall be deleted within thirty (30) days.
- Data Sharing: No data may be shared with any out-of-state or federal agency unless the Board of County Commissioners (BOCC) has explicitly approved a written Interlocal Agreement for such sharing.
- Auditing: Operators must maintain an unalterable audit log of every system query, including the user's name and the specific criminal case number or authorized purpose for the search

SECTION 6. INVENTORY AND REVIEW OF EXISTING CAMERAS.

A. Within 90 days, all operators, including HCSO, shall submit to the BOCC a full inventory of every ALPR or similar camera currently installed in the county.

The inventory shall include:

1. Exact location
2. Technology/vendor
3. Installation date
4. All entities accessing or receiving data
5. Data retention policy
6. Any contract or agreement in effect

B. After review, the BOCC will determine, at a public meeting, whether each installation shall:

1. Remain in place,
2. Be modified, or
3. Be removed.

C. No camera may remain in operation after 180 days without explicit BOCC approval.

SECTION 7. ANNUAL ACCOUNTABILITY REVIEW.

A. All approved ALPR systems shall undergo an annual review to confirm:

1. Continued necessity for public safety
2. Compliance with BOCC conditions
3. Appropriate constitutional and privacy safeguards
4. No unauthorized data sharing
5. Fiscal responsibility

B. The BOCC retains the right to revoke approval of any system at any time for misuse, lack of necessity, or conflict with county values.

C. The annual review shall include a report from the Operator demonstrating that the system has been used only for authorized purposes and has not been accessed by unauthorized third parties.

SECTION 8. TRANSPARENCY.

The County shall maintain a public webpage listing:

1. All BOCC-approved ALPR locations
2. Annual oversight reports
3. Any changes in approval status

(Information protected under Florida public records exemptions will remain confidential.)

SECTION 9. BUSINESS IMPACT AND PUBLIC PURPOSE.

- The BOCC determines that this Ordinance serves a compelling public interest in protecting the constitutional privacy rights of citizens.
- Any impact on private vendors is considered reasonable and necessary to ensure that public infrastructure is used in a manner consistent with local values and fiscal accountability.

SECTION 10. SEVERABILITY.

If any provision is found invalid, the remainder of the Ordinance remains in effect.

SECTION 11. EFFECTIVE DATE.

This Ordinance becomes effective immediately upon filing with the Florida Department of State.